

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

CARL KING,)	
)	
Plaintiff,)	
)	
VS.)	No. 21-2176-JDT-cgc
)	
ROBERT M. CHRISTIAN, ET AL.,)	
)	
Defendants.)	

ORDER DIRECTING PLAINTIFF TO FILE A NON-PRISONER
IN FORMA PAUPERIS AFFIDAVIT OR PAY
THE REMAINING PORTION OF THE CIVIL FILING FEE

On March 24, 2021, Plaintiff Carl King, who was, at the time, incarcerated at the Shelby County Criminal Justice Center in Memphis, Tennessee, filed a *pro se* civil complaint and a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) The Court issued an order on March 29, 2021, granting leave to proceed *in forma pauperis* and assessing the civil filing fee pursuant to the Prison Litigation Reform Act (PLRA), 28 U.S.C. §§ 1915(a)-(b). (ECF No. 6.) However, on June 21, 2021, King notified the Clerk he had been released and provided his new address. (ECF No. 8.)

Under the PLRA, a prisoner bringing a civil action must pay the full filing fee of \$350 required by 28 U.S.C. § 1914(a). The statute merely provides the prisoner the opportunity to make a “downpayment” of a partial filing fee and pay the remainder in monthly installments. 28 U.S.C. § 1915(b). However, in this case, only \$25.00 of the

filing fee was paid prior to King's release. Under these circumstances, the Sixth Circuit has held "the obligation to pay the remainder of the fees is to be determined solely on the question of whether the released individual qualifies for pauper status." *McGore v. Wrigglesworth*, 114 F.3d 601, 613 (6th Cir. 1997), *partially overruled on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013).

King must either renew his pauper status or pay the remainder of the civil filing fee. Therefore, he is ORDERED to submit, on or before July 13, 2021, either a properly completed and signed non-prisoner *in forma pauperis* affidavit or the remaining \$377.00 of the \$402 civil filing fee.¹ The Clerk shall mail King a copy of the non-prisoner *in forma pauperis* affidavit form along with this order.

If King fails to submit either a non-prisoner *in forma pauperis* affidavit or the remainder of the filing fee by July 13, 2021, the Court will dismiss this action without further notice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute. IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

¹ The civil filing fee is \$350. 28 U.S.C. § 1914(a). Under § 1914(b) and the Schedule of Fees set out following the statute, an administrative fee of \$52 for filing any civil case also is required. Because that additional \$52 fee does not apply if leave to proceed *in forma pauperis* is granted, only the \$350 fee was assessed in the March 29, 2021, order. However, if King does not renew his pauper status he will be responsible for the entire \$402 fee.